

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of)	MM Docket No. 93-75
)	
TRINITY BROADCASTING OF FLORIDA,)	
INC.)	BRCT-911001LY
)	
For Renewal of License of)	
Television Station WHFT(TV))	
Miami, Florida)	
)	
GLENDAL E BROADCASTING COMPANY)	BPCT-911227KE
)	
For Construction Permit)	
Miami, Florida)	

HEARING EXHIBITS

TRINITY BROADCASTING OF FLORIDA, INC.
TRINITY BROADCASTING NETWORK
NATIONAL MINORITY TELEVISION, INC.

TBF Exhibit _____

TRINITY BROADCASTING OF FLORIDA,
INC.,

TRINITY BROADCASTING NETWORK,

NATIONAL MINORITY TELEVISION,
INC.

Mullin, Rhyne, Emmons and Topel,
P.C.

1000 Connecticut Ave. - Suite 500
Washington, D.C. 20036-5383
(202) 659-4700

Federal Communications Commission

Docket No. 93.75 Exhibit No. 125

Presented by IBX/la

Disposition { Identified 1.12.94
Received 1.12.94
Rejected _____

Reporter A. Wilson

Date 1.12.94

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. COHEN:

Q I want you to review to yourself, we don't have to read this into the record, pages 57, line 20, up until page 58, line 18. And I'm not trying to impeach you at all. The reason I'm asking you this, I want you to read this because it deals with what your knowledge was back in 1980 when NMTV was organized about Mrs. -- well, let me stop right there. So just read from line 20 on page 57 to line 18 on 58 to yourself, if you will.

A Yes, I've read it.

Q My understanding of what you were saying there was that Mrs. Duff had advised you that the board of directors of NMTV would have a majority of persons who were not board members of Trinity.

A That was my conclusion when she specified who would be on the board.

1

219

1 Q Now that you are aware that Mrs. Duff and Paul
2 Crouch were both board members of Trinity, does that change
3 the testimony that -- change is a bad word -- does that
4 impact your testimony that you gave last week?

5 A I don't believe --

6 MR. COHEN: Mr. Topel has something he wants to
7 raise.

8 MR. TOPEL: I just want to be directed to those
9 portions of the pages.

10 MR. COHEN: Give Mr. Topel time to read it before you
11 answer.

12 THE WITNESS: Sure.

13 MR. TOPEL: Thank you.

14 THE WITNESS: In my mind, when I answered that
15 question, and even as I sit here today, when Jane Duff
16 called me and informed me of the corporation Translator TV,
17 I don't believe she was at that time in 1980 an officer of
18 the corporation, I'm not sure, of Trinity Christian Center.

19 I'm not sure when she became an officer, but
20 when I testified before, as I testify today, in my mind at
21 that time she was not an officer of Trinity Christian
22 Center. It was Trinity Broadcasting Network.

23 BY MR. COHEN:

24 Q What about a director?

25 A She wasn't a director either. And, again, I

220

2



1 may be wrong as to when she assumed office. But when I
2 answered that question, I was assuming that she hadn't been
3 elected to the board of Trinity Broadcasting Network yet.

4 Q Well, let me show you something that might help
5 your recollection. I want to show you a document. The
6 first page doesn't have a Bates stamp, but the second page
7 does, 57607, action by written consent of Trinity
8 Broadcasting Network, which speaks as of September 11, 1980,
9 which reflects that Jane Duff was a vice president of TBN.

10 A Yes. And the fact that she's a vice
11 president --

12 Q She was an officer then of TBN?

13 A That doesn't have anything to do with your
14 question.

15 MR. TOPEL: The quote from the transcript refers to
16 whether or not she was a board member at that point in time,
17 not an officer. Let me show it to you.

18 MR. COHEN: I understand.

19 THE WITNESS: Let me explain to you, in California
20 the word "member" is a word of art. A member is a director.
21 They are one in the same. You don't have a membership in
22 the sense that a church or, say, a synagogue would have. If
23 the only people that have the right to vote are directors,
24 the directors are the members.

25 I used the word "member" here. The fact that

221

3

1 she is an officer doesn't mean she's a director. It doesn't
2 mean that she has the right -- it doesn't mean she has the
3 power. She is just simply an officer. That's a world of
4 difference from a director, two different categories
5 altogether.

6 BY MR. COHEN:

7 Q I thought in answering the question you said
8 that she was not an officer or a director a few minutes ago.

9 I don't know if it's worth asking the reporter
10 to go back and read that, but I thought the witness answered
11 the question that you believed she was neither an officer or
12 director of TBN in 1980. I think that's what the reporter
13 would read back --

14 A If I said that, I was in error. I was focusing
15 on her position as a director because that was the crucial
16 position.

17 Q That's the reason why I showed that to you.

18 A Yes.

19 Q Would it be helpful to have the reporter read
20 that back?

21 A No, because I was focusing when I gave this
22 testimony before on the fact that, in my mind, she was not a
23 director. That's crucial. It's really irrelevant if she
24 was an officer.

25 Q You have answered my question, and that's

1 helpful to me. Can I have that minute back?

2 A Yes.

3 Q Mr. Shook points out to me, and he is a much
4 more careful lawyer than I, that indeed in 1979, according
5 to information filed with the Commission, it appears that
6 Mrs. Duff was a director.

7 I couldn't put my fingers on it, so I didn't
8 want to make a statement, but perhaps you'd review this.
9 And I'm not trying to be difficult with you, Mr. Juggert. I
10 hope you don't think I am.

11 A You need to realize that my memory back to 1979
12 is not that strong.

13 Q I said to you I wasn't trying to impeach you.
14 I told you that. Off the record.

15 (Discussion off the record.)

16 THE WITNESS: Well, my testimony was in error that I
17 gave before, assuming this is correct. I'd have to look at
18 the minutes, because that's the crucial document.

19 BY MR. COHEN:

20 Q The reason that I asked you about this was I
21 was trying to deal with your state of mind back when
22 Translator TV was organized, and that's why I brought this
23 up.

24 Assume now for the moment that the records
25 filed with the Commission are accurate and that Mrs. Duff

223

5

1 was a director.

2 A Uh-huh.

3 Q So your testimony, then, at page 58 was based,
4 I gather, on a misunderstanding as to whether or not she was
5 a director; is that fair to you?

6 A It was based upon the lack of proper
7 recollection on my part, poor memory.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. COHEN:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q I want to now ask you a follow-up question on a question I asked you in the deposition. Howard, refer to page 59 so you will see I'm not asking the same question. What I'm talking about is line 15 on page 59, and show it to the witness.

And the question that I have is: You notice in your testimony at line 15 you stated there were specific conversations with Jane in 1987; do you see that?

A I need to see the context.

Q Sure. Read as much as you need.

A What's your question?

Q My question now is not the question I asked you last week. My question is: Give me your best recollection of the specific conversations with Jane in 1987 that you

1 mentioned at line 15.

2 A What I had in mind in the testimony -- and the
3 testimony referred to a memo, just a little handwritten note
4 that Jane Duff sent me, and it may have been 19 -- I'm
5 pretty sure it was 1987. It may have been a little bit
6 before then, in which she said something to the effect that
7 the FCC was now giving preferences for minority-controlled
8 entities, and I remember talking to her about that. And, as
9 I recall, she had in mind, I think, preferences for
10 low-power stations, translators.

11 Q Now, your recollection is this conversation
12 occurred in 1987?

13 A Well, it may have been '85. The memo was '85,
14 '87. It was on some little personal stationery, and she
15 sent a note to me that dealt with other matters and said,
16 "We've just learned that there can be preferences for
17 minority-controlled entities."

18 Those documents were produced to you. You
19 probably know the memo I'm talking about.

20 Q I really don't. And I'm not playing games with
21 you when I say I don't. If I had it, I would show it to
22 you. It's not to my benefit not to show you a document in
23 discovery, but I don't have it.

24 Your recollection is these conversations
25 occurred in 1987?

1 A I don't know. In 1985, 1987. The memo has a
2 date on it, and it was about that time.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

242

10



Los Angeles
213.938.2461

Orange County
714.834.1571

San Diego
619.434.4854

1.800.898.0949